CUSTOMER NUMBER 25268

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

X 1. Submission required under 37 C.F.R. § 1.114

| Application Number | 10/672,274 |
|---------------------|-----------------------|
| Filing Date | September 24, 2003 |
| First Named | Christopher C. Toly |
| Inventor | Circle prior Cr. Cory |
| Group Art Unit | 3715 |
| Examiner Name | Banafsheh Hadizonooz |
| Attorney Docket No. | SIMU0008 |
| Confirmation No. | 9373 |

For Electronic Filing

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filted prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Practice, Final Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practices.

| aPreviously submitted iConsider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on | - |
|---|---|
| b. Currently Submitted iXAmendment/Reply iiAffidavit(s)/Declaration(s) iiiInformation Disclosure Statement (IDS) ivOther | |
| 2. Request for Extension of Time | |
| Applicant respectfully requests that the shortened statutory period for response to thedated _ set to expire on be extended bymonth(s) to expire on The \$ (large entity // small entity???) fee submitted herewith | |

X 3. Request for Constructive Petition for Extension of Time

It is requested that any concurrent or future reply submitted in the present application requiring a petition for an extension of time under 37 CFR 1.136(a)(3) for timely submission be treated as incorporating a petition for extension of time for the appropriate length of time. It is also requested that any additional required fees under § 1.17, including all required extension of time fees, be charged to Deposit Account No. 01-1940, thereby constructively petitioning for any necessary extension of time to maintain the present application in a pending state.

X 4. Claim Status

| Computation of Fee For Claims as Submitted for filing in RCE | | | | | |
|--|------------------------------------|--|---------------------------|-------------|---------------|
| | Claims Remaining in Application | Highest Number of Claims Previously Paid For | Number of Extra Claims | <u>Rate</u> | <u>Fees</u> |
| Total Claims | 21 | 48 | 0 | x \$26 | \$0 |
| Independent Claims | 5 | 8 | 0 | x \$110 | \$0 |
| ADDITIONAL CLAIM FEE | | | | | \$0 |
| RCE FEE | | | | | \$405 |
| TOTAL ADDITIONAL FEE FOR THIS RCE SUBMISSION | | | | | \$ <u>405</u> |

- X 5. Fees The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.
- a. X The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 01-1940.

 - i. ____RCE fee required under 37 CFR § 1.17(e)
 ii. Extension of time fee (37 CFR §§ 1.136 and 1.17)
 - iii. X Any additional required fees
 - iv.___Other
 - b. X Fees are to be charged to a credit card during electronic submission.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| Typed/Printed Name | Michael C. King | Registration Number: 44,832 |
|--------------------|-----------------|-----------------------------|
| Signature | /mike king/ | Date: February 20, 2009 |